



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/687,561	10/16/2003	Angelique M. Brignac	A02204US (98238.7)	7152

22920 7590 01/25/2005

GARVEY SMITH NEHRBASS & DOODY, LLC
THREE LAKEWAY CENTER
3838 NORTH CAUSEWAY BLVD., SUITE 3290
METAIRIE, LA 70002

EXAMINER

SWINEHART, EDWIN L

ART UNIT PAPER NUMBER

3617

DATE MAILED: 01/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/687,561

Applicant(s)

BRIGNAC ET AL.

Examiner

Ed Swinehart

Art Unit

3617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-66 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-66 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 5, 11 and 26 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 5 is not understood.

In claim 11, "the litter" lacks antecedent basis in the claims.

In claim 14, the parenthetical statement renders the metes and bounds of the claim difficult to determine.

In claim 26, the relationship of "a pilot house" to that previously recited is unclear.

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claim 24 is rejected under 35 U.S.C. 102(b) as being anticipated by Kobayashi.

Kobayashi discloses the claimed invention, including a "pilot house" **15**, a propulsion system including a plurality of water jets mounted upon transom **28**, and multiple buoyancy chambers extending between the transom and a fantail positioned above the propulsion units.

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 3617

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-5, 12, 13, 53, and 55 are rejected under 35 U.S.C. 103(a) as being unpatentable over Keleman.

Keleman discloses a "rescue" well **12** positioned in front of the rear of the pilot house.

Provision of wells on both sides of the vessel of Keleman would have been obvious to one of ordinary skill in the art at the time of the invention.

Such a modification would have been desirable at the time the invention was made so as to provide for rescue operations, even when the hull is listing to one side.

Re claim 3, the number and arrangement of seats within the pilot house is considered to have been an obvious design consideration. Re claims 53, provision of cushions on the seats is not considered invention.

Re claims 12 and 13, provision of a trailer to haul a watercraft is considered and obvious design expedient, well within anyone's skill. The size of a watercraft is purely choice of design.

7. Claims 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Keleman in view of Bradford.

Keleman fails to disclose a litter, although provision of same in a ships infirmary is considered to have been notoriously old and well known in the art.

Bradford discloses a break-down litter.

It would have been obvious to one of ordinary skill in the art at the time of the invention to provide a litter to the ship of Keleman as that taught by Bradford.

Such a combination would have been desirable at the time the invention was made so as to provide crew safety.

A break-down litter can be fitted within the hull anywhere in the hull as desired.

8. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Keleman in view of Leming et al.

Keleman fails to disclose a loading zone at the stern.

Leming et al. Teaches same.

It would have been obvious to one of ordinary skill in the art at the time of the invention to provide a loading zone to Keleman as taught by Leming et al.

Such a combination would have been desirable at the time the invention was made so as to provide for ease in loading/unloading.

9. Claims 9-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Keleman in view of L'Anglois.

Keleman fails to disclose a cabin as claimed.

L'Anglois discloses a multi-level superstructure as is old and well known in the art.

It would have been obvious to one of ordinary skill in the art at the time of the invention to provide a multi-level superstructure to Keleman as taught by L'Anglois.

Such a combination would have been desirable at the time the invention was made so as to provide for passenger comfort.

Art Unit: 3617

10. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Keleman in view of Goldman.

Keleman fails to disclose a foam bumper as claimed.

Goldman discloses same.

It would have been obvious to one of ordinary skill in the art at the time of the invention to provide Keleman with a foam bumper as taught by Goldman.

Such a combination would have been desirable at the time the invention was made so as to provide for safety.

The amount of buoyancy provided is considered to have been an obvious design consideration.

11. Claims 1,15-18,49,54 and 56 rejected under 35 U.S.C. 103(a) as being unpatentable over Mc Vay et al. in view of Guillen.

Mc Vay et al. Discloses a hull with constant deadrise, and propulsion units as claimed. Rescue wells are not disclosed.

Guillen teaches rescue wells.

It would have been obvious to one of ordinary skill in the art at the time of the invention to provide rescue to provide rescue wells to Mc Vay et al. as taught by Guillen.

Such a combination would have been desirable at the time the invention was made so as to provide for rescue.

The location of the wells is considered an obvious design consideration.

Re claim 54, the number of engine hatches provided is considered to have been an obvious choice of design.

Art Unit: 3617

12. Claim 50 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mc Vay et al. in view of Guillen as applied to claim 1 above, and further in view of Fink, Jr.

Mc Vay fails to disclose spray rails as are old and well known in the art as evidenced by Fink Jr.

It would have been obvious to one of ordinary skill in the art at the time of the invention to provide Mc Vay et al. with spray rails as taught by Fink, Jr.

Such a combination would have been desirable at the time the invention was made so as to provide for passenger comfort.

13. Claim 51 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mc Vay et al. in view of Guillen as applied to claim 1 above, and further in view of Braddon et al.

Mc Vay fails to disclose yaw stabilizers as are old and well known in the art as evidenced by Braddon.

It would have been obvious to one of ordinary skill in the art at the time of the invention to provide Mc Vay with stabilizers as taught by Braddon.

Such a combination would have been desirable at the time the invention was made so as to provide passenger comfort.

14. Claims 19-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mc Vay et al. in view of Guillen as applied to claim 1 above, and further in view of Nanami.

Mc Vay et al. fails to disclose a fantail.

Nanami teaches a propulsion unit arrangement as claimed.

Art Unit: 3617

It would have been obvious to one of ordinary skill in the art at the time of the invention to provide a stern arrangement to Mc Vay et al. as taught by Nanami.

Such a combination would have been desirable at the time the invention was made so as to provide protection of the propulsion units and increased buoyancy.

15. Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mc Vay et al. in view of Guillen and Nanami as applied to claim 22 above, and further in view of Jagers.

Mc Vay et al. fails to teach a hoist for the propulsion unit as claimed.

Jagers teaches same.

It would have been obvious to one of ordinary skill in the art at the time of the invention to provide Mc Vay et al. as modified with a hoist as taught by Jagers.

Such a combination would have been desirable at the time the invention was made so as to provide for ease in maintenance.

16. Claims 24-28,31,35,36,61 and 63 are rejected under 35 U.S.C. 103(a) as being unpatentable over Keleman in view of Nanami.

Keleman fails to disclose stern shape and water jet propulsion as claimed.

Nanami is applied as above.

Re claim 61, provision of seats with cushions is not considered invention.

There are inherently multiple locations one could place a litter if desired. A litter has not been positively recited.

Provision of a trailer is treated as was claim 12 above.

Art Unit: 3617

17. Claim 29 is rejected under 35 U.S.C. 103(a) as being unpatentable over Keleman in view of Nanami as applied to claim 24 above, and further in view of Leming et al.

Leming et al. Is applied as above.

18. Claim 30 is rejected under 35 U.S.C. 103(a) as being unpatentable over Keleman in view of Nanami as applied to claim 24 above, and further in view of Bradford.

Bradford is applied as above.

19. Claims 32-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Keleman in view of Nanami as applied to claim 24 above, and further in view of L'Anglois.

L'Anglois is applied as above.

20. Claim 37 is rejected under 35 U.S.C. 103(a) as being unpatentable over Keleman in view of Nanami as applied to claim 24 above, and further in view of Goldman.

Goldman is applied as above.

21. Claims 24,38-45,57,62 and 64 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mc Vay et al. in view of Nanami.

These are combined as above.

22. Claim 46 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mc Vay et al. in view of Nanami. as applied to claim 45 above, and further in view of Jagers.

Jagers is applied as above.

23. Claims 47 and 48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Keleman in view of Goldman as applied to claim 14 above, and further in view of Burke.

Art Unit: 3617

Keleman fails to disclose flush mount cleats.

Burke teaches same.

It would have been obvious to one of ordinary skill in the art at the time of the invention to provide flush mount cleats to Keleman as taught by Burke.

Such a combination would have been desirable at the time the invention was made so as to provide safety of crew walking on deck.

24. Claim 58 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mc Vay et al. in view of Nanami as applied to claim 24 above, and further in view of Fink, Jr.

Fink, Jr. is applied as above.

25. Claim 59 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mc Vay et al. in view of Nanami as applied to claim 24 above, and further in view of Braddon et al.

Braddon is applied as above.

26. Claim 52 is rejected under 35 U.S.C. 103(a) as being unpatentable over Keleman in view of Miller.

Keleman fails to disclose a towing post.

Miller teaches same.

It would have been obvious to one of ordinary skill in the art at the time of the invention to provide a towing post to Keleman as taught by Miller.

Such a combination would have been desirable at the time the invention was made so as to provide for the ability to render assistance to a distressed craft.

Art Unit: 3617

27. Claim 60 is rejected under 35 U.S.C. 103(a) as being unpatentable over Keleman in view of Nanami as applied to claim 24 above, and further in view of Miller.

Miller is applied as above.

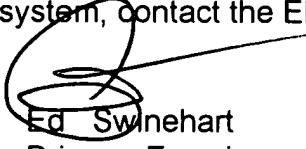
28. Claims 65 and 66 are rejected under 35 U.S.C. 103(a) as being unpatentable over Keleman in view of Nanami and Goldman as applied to claim 37 above, and further in view of Burke.

Burke is applied as above.

29. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ed Swinehart whose telephone number is 703-308-2566. The examiner can normally be reached on Monday through Thursday 6:30 am to 2:00 pm..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Samuel Morano can be reached on 703-308-0230. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Ed Swinehart
Primary Examiner
Art Unit 3617